



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

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GERALD C. MANN
ATTORNEY GENERAL

Hon. Lee Presnell
County Attorney
Upshur County
Gilmer, Texas

Dear Sir:

Opinion No. 0-1026
Re: Classification of a privately owned school bus which is used for hire in the transportation of school pupils.

Your request for an opinion of this department upon the question, as stated by you is as follows:

"In the registration of a privately owned school bus which is used for hire in the transportation of school pupils, what would be its proper classification?"

Upon our consideration of the statutes in Texas upon registration, namely Article 6675a-1, R. C.S., 1925, we believe that the classification would fall within one of two classifications. Section (j) of the above statute defines passenger cars:

"Any motor vehicle other than a motor cycle or a bus, as defined in this Act, designed or used primarily for the transportation of persons."

Section (n):

"*Motor Bus* shall include every vehicle except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated

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cities and/or towns and/or villages for compensation (or hire) whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and/or towns or suburban additions to such towns."

Your letter states that the vehicle inquired about is operated for hire in the transportation of school pupils. However, your letter does not give us the route of the vehicle or inform us whether it is operated between or through two or more incorporated cities and/or towns and/or villages or operated exclusively within the limits of incorporated cities and/or towns or suburban additions to such towns. Under the wording of the statute if the bus is operated between two or through two or more incorporated cities and/or towns or villages, then it must necessarily be classified as a motor bus.

If the bus is operated over rural roads and is not operated between or through two or more incorporated cities, towns or villages, then it may properly be registered as a passenger car.

We believe that if you have the facts at hand to determine the route of the vehicle, you will then be able to determine whether it is classified as a passenger car or as a motor bus.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Morris Hodges*
Morris Hodges
Assistant

APPROVED JUL 7, 1939
MH:omb

W. F. Moore
FIRST ASSISTANT
ATTORNEY GENERAL

